Remarks

The Final Office Action dated May 29, 2009 lists the following newly presented rejection: claims 1-15 stand rejected under 35 U.S.C. § 103(a) over Wu (U.S. Patent Pub. 2003/0041205). Claims 7-10 are objected to due to informalities. In this discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 103(a) rejection of claims 1-15 because the cited portions of the '205 reference do not correspond to the claimed invention. The claimed invention, in certain embodiments, is directed to enabling a system programmer to configure a hardware subsystem using a single register write. *See, e.g.,* paragraphs 0003-0006. Applicant stores multiple sets of configuration data in a read-only memory of the hardware subsystem, thereby enabling the subsystem to be configured (or reconfigured) during operation by sending a single resister write, to the subsystem, that identifies one of the sets of configuration data. *See, e.g.,* paragraphs 0014-0015. The set of configuration data identified by the single register write is then loaded into multiple registers of the subsystem to configure the subsystem, thereby encapsulating the multiple registers.

The cited teachings of the '262 reference, however, do not teach a subsystem that includes a read-only storage portion that stores multiple sets of configuration data or loading one of the sets of configuration data from the read-only storage portion into multiple registers of the subsystem, as claimed. Specifically, the '262 reference does not teach that endpoint configuration mechanism 424 (*i.e.,* the asserted read-only storage portion) is a read-only memory that stores multiple sets of configuration data. Instead, the '262 reference teaches that configurations of each endpoint are stored in mechanism 424 to configure the device during operation. *See, e.g.,* paragraph 0047. Thus, mechanism 424 is not a read-only storage portion. In addition, the '262 reference teaches that each endpoint's configuration data is already stored in memory buffer 440 (*i.e.,* the asserted multiple registers) prior to the configurations of each endpoint being stored in mechanism 424. *See, e.g.,* paragraphs 0046 and 0047. As such, the '262 reference does not teach loading one of the sets of configuration data from mechanism 424 into memory buffer 440, as claimed. Accordingly, the cited teachings of the '262 reference do not

correspond to the claimed invention and the § 103(a) rejection of claims 1-15 must be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 1-15 because the Examiner improperly concludes that aspects of the claimed invention directed to a configuration/control unit that, in response to a single register write that identifies one of the sets of configuration data, encapsulates the multiple registers by performing configuration or control of the subsystem, including storing the configuration parameters of the identified set in the multiple registers of the subsystem are obvious. Specifically, the Examiner appears to have improperly relied upon Official Notice without providing the documentary evidence that is required to support the Examiner's conclusions. *See, e.g.,* M.P.E.P. § 2144.03 ("Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection".). Applicant submits that, without documentary evidence to support the Examiner's conclusions of obviousness, the § 103(a) rejection cannot be maintained.

Moreover, Applicant submits that the '262 reference teaches away from encapsulating memory buffer 440 (*i.e.,* the asserted multiple registers) in response to a single resister write, as claimed. Consistent with the recent Supreme Court decision, M.P.E.P. § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main ('262) reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int'l Co. v. Teleflex, Inc.,* 127 S. Ct. 1727, 1742 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious."). In this instance, the '262 reference teaches that the configuration data of multiple endpoints 0, 1 and 2 are stored in memory buffer 440 (*see, e.g.,* paragraphs 0045-0047); as such, modifying the '262 reference to encapsulate memory buffer 440 in response to a single resister write that indentifies one set of configuration data would render the device of the '262 reference unable to interface/control the multiple endpoints 0, 1 and 2. Thus, the '262 reference teaches away from such a modification.

In view of the above, the § 103(a) rejection of claims 1-15 is improper and Applicant requests that it be withdrawn.

In response to the objection to claims 7-10, Applicant has amended the preambles of these claims to replace the word apparatus with the word subsystem. Thus, Applicant requests that the objection to claims 7-10 be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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